

FILED

1 TRACY L. MAINGUY, Bar No. 176928
2 OPERATING ENGINEERS LOCAL UNION NO. 3 TRUST FUNDS- MULTI-SERVICES
3 1620 South Loop Road
Alameda, CA 94502
(510) 748-7474

JUN 23 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4 Attorney for Plaintiffs

5
6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 (SAN FRANCISCO HEADQUARTERS)

9
10 GIL CROTHWAITE, JOHN BONILLA, in) Case No.: C 04-4579 MHP
their respective capacities as Trustees of the)
11 OPERATING ENGINEERS HEALTH AND) STIPULATION FOR DISMISSAL AS TO
WELFARE TRUST FUND FOR) DEFENDANT TOM CHASM; ORDER
12 NORTHERN CALIFORNIA et al.,) THEREON
13 Plaintiffs,)
vs.)
14 SPECIALTY CRUSHING, INC. et al.,)
15 Defendants.)
16 _____)
17

18 Plaintiffs GIL CROTHWAITE and JOHN BONILLA, in their respective capacities as
19 Trustees of the OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR
20 NORTHERN CALIFORNIA; PENSION TRUST FUND FOR OPERATING ENGINEERS;
PENSIONED OPERATING ENGINEERS HEALTH AND WELFARE FUND; OPERATING
21 ENGINEERS AND PARTICIPATING EMPLOYERS PRE-APPRENTICESHIP,
APPRENTICE AND JOURNEYMEN AFFIRMATIVE ACTION TRAINING FUND;
22 OPERATING ENGINEERS VACATION AND HOLIDAY PLAN; OPERATING
ENGINEERS CONTRACT ADMINISTRATION TRUST FUND; OPERATING ENGINEERS
23 MARKET PRESERVATION TRUST FUND; OPERATING ENGINEERS INDUSTRY
STABILIZATION TRUST FUND; BUSINESS DEVELOPMENT TRUST FUND; and HEAVY

24
25 STIPULATION FOR DISMISSAL AS TO DEFENDANT TOM CHASM; [PROPOSED] ORDER THEREON;
Case No. C 04-4579 MHP

Jun. 20, 2005 8:57AM Case 3:04-cv-04579-MHP Document 12 Filed 06/20/2005 Page 2 of 2 3

1 AND HIGHWAY COMMITTEE ("Operating Engineers Trust Funds") and Defendant TOM
2 CHASM, individually stipulate and agree to the following:

3 1. The Operating Engineers Trust Funds and the Defendant TOM CHASM executed a
4 settlement agreement entitled "SETTLEMENT AGREEMENT" in order to resolve
5 the above-captioned proceeding.

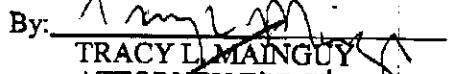
6 2. In light of the settlement agreement, the above-captioned matter is dismissed pursuant
7 to Federal Rule of Procedure 41(a)(1).

8 3. Each party will bear their own attorneys' fees and costs relating to this proceeding.

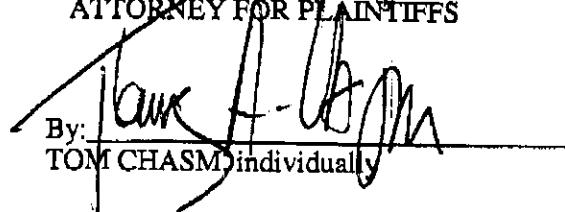
9 4. The Court will retain jurisdiction over the above-captioned proceeding to enforce the
10 terms of the settlement agreement referenced in paragraph 1 above.

11 DATED: 6/17/05

12 OPERATING ENGINEERS LOCAL UNION NO. 3
13 TRUST FUNDS - MULTI-SERVICES

14 By: 
15 TRACY L. MAINGUY
16 ATTORNEY FOR PLAINTIFFS

17 DATED: 6/20/05

18 By: 
19 TOM CHASM, individually

20 ORDER

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated:

23 6/22/05

24 MARILYN HALEY FATEL
25 HONORABLE UNITED STATES DISTRICT JUDGE

STIPULATION FOR DISMISSAL AS TO DEFENDANT TOM CHASM; [PROPOSED] ORDER THEREON;
Case No. C 04-4579 MHP